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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,580	08/24/2001	Roger Vinas	60004033-3	3619

7590 05/02/2007
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/935,580	Applicant(s) VINAS ET AL.	
	Examiner King Y. Poon	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-44 is/are pending in the application.
- 4a) Of the above claim(s) 26,28,29 and 33-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,27 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 26, 28, 29, 33-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/31/2007.

Claims 26, 28, 29, 33-44 are withdrawn from consideration because the number of color patches within a color ramp varies with the size of the print medium. See applicant's argument, page 11, lines 10-12, filed 1/31/2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25, 27, 30, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhos (US 5,721,813) in view of Ohta et al (US 6,975,418).

Regarding claim 25: Leinhos teaches a processor-implemented method for printing a pattern (text or other form of pattern, column 7, lines 1-10, column 5, lines 50-60), comprising: determining a size of a print medium (the label sheet, column 7, lines 10-15) upon which the pattern is to be printed (determining the size of the print medium in turns of unit o labels, column 7, lines 1-10); configuring the pattern to include as many elements of the pattern (text block, column 5, lines 1-10) as will fit per row based on the

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size of the print medium (column 7, lines 1-10), wherein height of the pattern is increased in response to availability of elements of the pattern (text blocks, column 7, lines 1-10) beyond which will fit in a row on the print medium, and wherein the elements of the pattern are arrayed horizontally along a width of the print medium when the size of the print medium allows, and are arrayed vertically when the size of the print medium requires (column 7, lines 1-10, the number of rows increase (height) corresponds to the increase of text block to be printed); and printing the pattern on the print medium.

Leinhos does not teach the pattern is a test pattern and the element of the pattern to be printed are color ramps.

Ohta teaches, because the change of hue or density of image would occur if the printer is not calibrated due to the influence by ambient temperature and humidity etc (column 2, lines 25-30).

Ohta further teaches the calibration process includes printing a test pattern onto the printing media (1201, fig. 3); the test pattern are formed by printing color ramps (CMYK, fig. 3).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Leinhos to print a test pattern for calibration by printing the color ramps onto the labels of the label sheet to generate a better quality print product.

Regarding claim 27: Leinhos teaches configuring the test pattern to include a second row only when space does not exist on a first row to add an additional color ramp (column 7, lines 1-10).

Regarding claim 30: Leinhos teaches moving the color ramps relative to each other to maximize the width of the test pattern and minimize the height of the test pattern (column 7, lines 1-10).

Regarding claim 31: Leinhos teaches adjusting a relative position of the color ramps on a same row and locating the color ramps on two different rows, based upon the size of the color ramps and space available in the same row (column 7, lines 1-10).

Regarding claims 32: Leinhos teaches wherein as many color ramps as will fit per row is based on a size of a color ramps and a width of the print medium (column 7, lines 1-10).

Response to Arguments

4. Applicant's arguments with respect to claims 25, 27, 30, 31, 32 have been considered but are moot in view of the new ground(s) of rejection. Please see detailed office action.

The examiner called, but fail to reach applicant's representative at 509-324-9256X235 on 4/24/2007, as request by applicant's representative in the amendment filed on 1/31/2007.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 28, 2007

A handwritten signature in black ink, appearing to read 'K. Y. Poon', with a stylized flourish at the end.

**KING Y. POON
PRIMARY EXAMINER**